

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

835M0581

SENATE JUDICIARY COMMITTEE ENGROSSED NO. **HB 1147** - 02/03/2006

Introduced by: Representatives Murschel, Cutler, Dykstra, Hackl, Halverson, Heineman, Hennies, Hunhoff, Kroger, McCoy, O'Brien, Rounds, and Thompson and Senators Schoenbeck, Abdallah, Bartling, Broderick, Dempster, Knudson, Moore, Nesselhuf, Sutton (Dan), and Sutton (Duane)

1 FOR AN ACT ENTITLED, An Act to revise certain eligibility restrictions related to secondary
2 school extracurricular activities.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 13-32-9 be amended to read as follows:

5 13-32-9. Any person adjudicated, convicted, the subject of a youth diversion program, or
6 the subject of a suspended imposition of sentence for possession, use, or distribution of
7 controlled drugs or substances or marijuana as defined in chapter 22-42, or for ingesting,
8 inhaling, or otherwise taking into the body any substances as prohibited by § 22-42-15, is
9 ineligible to participate in any extracurricular activity at any secondary school accredited by the
10 Department of Education for one calendar year from the date of adjudication, conviction,
11 diversion, or suspended imposition of sentence. The one-year suspension may be reduced to
12 sixty school days if the person participates in an assessment with a certified chemical
13 dependency counselor or completes an accredited intensive prevention or treatment program.
14 If the assessment indicates the need for a higher level of care, the student is required to complete



1 the prescribed program before becoming eligible to participate in extracurricular activities.
2 Upon a subsequent adjudication, conviction, diversion, or suspended imposition of sentence for
3 possession, use, or distribution of controlled drugs or substances or marijuana as defined in
4 chapter 22-42, or for ingesting, inhaling, or otherwise taking into the body any substances as
5 prohibited by § 22-42-15, by a court of competent jurisdiction, that person is ineligible to
6 participate in any extracurricular activity ~~while that person is attending at any secondary school~~
7 accredited by the Department of Education. Upon such a determination in any juvenile court
8 proceeding the Unified Judicial System shall give notice of that determination to the South
9 Dakota High School Activities Association and the chief administrator of the school in which
10 the person is ~~enrolled~~ participating in any extracurricular activity.

11 Upon placement of the person in a youth diversion program, the state's attorney who placed
12 the person in that program shall give notice of that placement to the South Dakota High School
13 Activities Association and chief administrator of the school in which the person is participating
14 in any extracurricular activity.

15 As used in this section, the term, extracurricular activity, means any activity sanctioned by
16 the South Dakota High School Activities Association.